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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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HEWLETT-PACKARD COMPANY
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EXAMINER

CHANG, YEAN HSI

ART UNIT PAPER NUMBER

2835

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/706,204

Applicant(s)

SALINAS ET AL.

Examiner

Yean-Hsi Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Mar. 14, 2005 has been entered.

Claim Objections

2. Claims 1, 5 and 7 are objected to because of the following informalities: The deletion of "travel" on line 8 of claim 1 is improper; the "first actuator" and "second actuator" on lines 11-12 of claim 1, line 2 of claim 5, and lines 1-2 of claim 7 lack antecedent bases. Appropriate correction is required.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11

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F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-38 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 6,667,879 B2 (Pat'879). Although the conflicting claims are not identical, they are not patentably distinct from each other because all subject matters claimed are the same except the arrangements in the claims are different and some terminologies claimed are different, such as: a removable component vs. a drive, a retention latch vs. a latch, a leveraging release member vs. a lever, a multi-stage actuator vs. an actuation member, a first actuator member vs. a button, a second actuator member vs. a base portion, a flexible member vs. a spring member, an angled surface vs. a sliding surface, and etc. Even though there are subject matters not claimed in the claims of Pat'879, such as a pivot, and a catch member; however, it would have been obvious to one having ordinary skill in the art that there must be a pivot for "a lever pivotally mounted ...", and there must be a catch member for "a catch configured to secure the drive to the chassis."

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 3-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kajiura (US 6,155,853).

Kajiura teaches a latch mechanism (fig. 1) for a removable component (38) of an electronic device (10), comprising: a retention latch (78), a leveraging release member (34), and a multi-stage actuator (86 and 36) comprising: a first actuator member (86) having a generally linear path of travel (76) to move the retention latch, and a second actuator member (36) having a generally linear path of travel (76) to move the leveraging release member, wherein the first actuator is linearly movable independent of the second actuator (claim 1); wherein the first actuator member and the retention latch are wedgingly engageable along at least one angled surface (84) (claim 3); wherein the at least one angled surface is disposed on the retention latch (claim 4); wherein the at least one angled surface is disposed on the first actuator (surface of 90) (claim 5); wherein the leveraging release member comprises a pivot joint (54) and an abutment surface (at 34a) offset from the pivot joint, wherein the second actuator member is movable against the abutment surface in the second position (fig. 2) (claim 6); wherein the first and second actuators are configured to travel in the same general

direction (76) (claim 7); wherein one of the first and second actuator members is disposed movably within the other of the first and second actuator members (actuator member 120 being movably disposed within actuator member 156 as shown in fig. 9) (claim 8); wherein the first actuator member comprises a first button (88) and the second actuator member comprises a second button (66) (claim 9); wherein the first actuator member comprises an externally accessible engagement portion (88) adapted for user engagement outside the electronic device (claim 10); and wherein the second actuator member comprises an externally accessible engagement portion (66) adapted for user engagement outside the electronic device (claim 11).

7. Claims 12-15, 17-20, 22 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Mitchell et al. (US 5,305,180).

Mitchell teaches a computer drive (20, fig. 2) comprising: a drive chassis (20), a latch (90) movable between released and secured positions (figs. 5) against the drive chassis, a lever (135) movable between unleveraged and leveraged positions (figs. 6) against the drive chassis, a first actuator (108) configured to engage with the latch to move the latch from the secured position to the released position, and a second actuator (42) configured to engage with the lever after the latch has been moved to the released position to move the lever from the unleveraged position to the leveraged position (claim 12); wherein the drive chassis comprises a rewritable storage device (20) (claim 13); wherein the rewritable storage device comprises a hard disk drive or a floppy disk drive (see col. 1, lines 27-39) (claims 14 and 15); wherein the latch

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comprises a catch member (95) disposed adjacent a forcibly-flexible member (98) (claim 17); wherein the first actuator and the latch are wedgingly engageable along an angled surface (110 and 105) (claim 18); wherein the lever comprises a pivot joint (136) and an abutment surface (at 137) offset from the pivot joint, wherein the second actuator is movable against the abutment surface (see col. 7, lines 31-34) (claim 19); wherein the first and second actuators are movable one after another along a substantially linear path (fig. 4) (claim 20); wherein at least one of the first and second actuators comprises an externally accessible engagement portion (41) (claim 22); and wherein actuation of the first actuator to transition the latch from the secured position to the released position releases the drive chassis with respect to a support structure, and wherein actuation of the second actuator to transition the lever from the unleveraged position to the leveraged position ejects the drive chassis with respect to the support structure (as stated hereinabove) (claim 45).

8. Claims 23-24, 26-39, 41-44 and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Kajiura.

Kajiura teaches a computer chassis (not shown, see col. 1, lines 13-20) comprising: a support structure (fig. 1) having a receptacle (10) adapted to receive a removable component (38), a component retention latch (78) adapted to latch the removable component removably within the receptacle, a component release lever (34) adapted to leverage the removable component out of the receptacle, a first actuator (86) movable in a first linear path (76) adapted to unlatch the component retention latch from

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the removable component, and a second actuator (36) movable in a second linear path (76) adapted to bias the lever against the removable component, wherein the first actuator is movable in the first linear path without movement of the second actuator (fig. 3) (claim 23); wherein the support structure comprises a computer (not shown, see col. 1, lines 13-20) (claim 24); wherein the first actuator and the component retention latch are wedgingly engageable along an angled surface (84) to bias the component retention latch (claim 26); wherein the component release lever comprises a pivot joint (54) and an abutment surface (at 34a) offset from the pivot joint, wherein the second actuator is movable against the abutment surface during the second path (fig. 3) (claim 27); wherein the first and second paths are substantially aligned with one another (76) (claim 28); wherein one of the first and second actuators is disposed movably within the other of the first and second actuators (actuator 120 being movably disposed within actuator 156 as shown in fig. 9) (claim 29); wherein at least one of the first and second actuators comprises an externally accessible engagement portion (88) extending outside the support structure (claim 30); wherein the externally accessible engagement portion comprises a button (88) (claim 31); wherein actuation of the second actuator in the second linear path ejects the removable component with respect to the support structure (see col. 9, line 49 through col. 10, line 13) (claim 46); and a method of operating the mechanism claimed in claims 32-38 being disclosed in the specification; and a method of manufacturing the mechanism as claimed in claims 39 and 41-44 being disclosed in the specification (claims 32-39 and 41-44).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2, 25 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kajiura in view of Mitchell et al.

Kajiura discloses the claimed invention except the retention latch comprising a catch member disposed adjacent a flexible member adapted to facilitate movement of the catch member between secured and released positions.

Mitchell teaches a retention latch (90, fig. 4) comprising a catch member (95) disposed adjacent a flexible member (98) adapted to facilitate movement of the catch member between secured and released positions.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Kajiura with the flexible member taught by Mitchell for biasing the latch member in the secured position for preventing the removable component from ejected accidentally.

11. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell et al. in view of Tirrell et al. (US 5,828,546).

Mitchell discloses the claimed invention except indicating the drive chassis comprising an optical storage device.

Tirrell teaches a computer drive (35, fig. 2) comprising a drive chassis (01) including an optical storage drive (see col. 6, line 63 through col. 7, line 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Mitchell with the disk drive taught by Tirrell so the latch mechanism may be applied to a optical storage drive for increasing the flexibility.

12. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell et al. in view of Lwee (US 5,299,089).

Mitchell discloses the claimed invention except the first and the second actuator member being disposed movably one within the other.

Lwee teaches a disk drive latch mechanism (fig. 1) comprising a first actuator member (62b) and a second actuator member (104) being externally accessible (claims 11 and 38) and disposed movably one within the other (see col. 8, lines 21-27) (claims 8, 21, 29, 34 and 43).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Mitchell with the actuator members taught by Lwee for operating the actuator members independently and in a proper sequence.

Response to Arguments

13. Applicant's arguments with respect to claims 1, 23, 32 and 39 have been considered but are moot in view of the new ground(s) of rejection.

14. Applicant's arguments regarding claim 12 filed 3/14/05 have been fully considered but they are not persuasive.

Applicant argues, Mitchell does not disclose "a first actuator configured to engage with the latch to move the latch from the second position to the released position; and a second actuator configured to engage with the lever after the latch has been moved to the released position to move the lever from the unleveraged position to the leveraged position", and "in Mitchell, inward movement of shaft 42 simultaneously moves both pivotable members 90 and 135". Referring col. 8, lines 15-51 of the specification of Mitchell, the unlatching and unlocking are done before eject member 135 to be moved. It would be hardly possible for a drive being ejected before unlocked.

Correspondence

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yean-Hsi Chang whose telephone number is (571) 272-2038. The examiner can normally be reached on 07:30 - 16:00.

If attempts to reach the examiner by telephone are unsuccessful, the Art Unit phone number is (571) 272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3431 for regular

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communications and for After Final communications. There are RightFax numbers and provide the fax sender with an auto-reply fax verifying receipt by the USPTO: Before-Final (703-872-9318) and After-Final (703-872-9319).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8558.

Yean-Hsi Chang
Primary Examiner
Art Unit: 2835
April 7, 2005



YEAN-HSI CHANG
PRIMARY EXAMINER